

ALASKA REGION SUMMARY SETTLEMENT and “FIX-IT” NOTICE SCHEDULE

FISHERIES AND PROTECTED RESOURCES OFF THE COAST OF ALASKA
Magnuson-Stevens Fishery Conservation and Management Act, 50 C.F.R. part 679
American Fisheries Act, Pub. L. No. 105-277, 50 C.F.R. part 679
Northern Pacific Halibut Act, 50 C.F.R. parts 300 and 679
Marine Mammal Protection Act, 50 C.F.R. part 229
Endangered Species Act, 50 C.F.R. §§ 222.32 and 227.12

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SUMMARY SETTLEMENT SCHEDULE

GENERAL PROVISIONS: SUMMARY SETTLEMENT

1. This summary settlement schedule is to be applied to violations of the following regulatory provisions contained within the C.F.R. parts and sections listed above. Summary settlement violations are specific. If a violation does not appear on this schedule, the violation has been deemed unsuitable for summary settlement and is to be handled using the applicable Penalty Schedule (“Penalty Schedule”).
2. This summary settlement schedule is divided according to the regulatory regime, statute or regulation violated. Each part contains either Category I violations, Category II violations, or both. With the exceptions noted in paragraphs 3 and 4, Category I violations are those violations for which the summary settlement schedule will always apply no matter how many times the person commits the Category I violation.

With the exceptions noted in paragraphs 3 and 4, Category II violations are those violations for which the summary settlement schedule will only apply to first time violators. Application of the summary settlement schedule for Category II violations is appropriate only in those instances where the authorized officer has confirmed the subject’s history of violating the regulation and determined whether the summary settlement schedule is available. Should a person commit a Category II violation and the person also has a prior violation of that Category II offense, the summary settlement schedule should NOT be used and the violation should be handled under the Penalty Schedule.

3. This summary settlement schedule may not be used for cases where the authorized officer has reasonable cause to believe that the violation was a knowing, intentional act by the violator, or where there are aggravating circumstances.
4. If an authorized officer discovers a Category I or II violation in addition to violations that are not addressed under this summary settlement schedule, the authorized officer may remove the Category I or II violation from the summary settlement schedule and address it under the Penalty Schedule.

5. Any reference to C.F.R. section numbers are provided for guidance on where a particular regulatory requirement can be found. Due to frequent amendments to these sections, the regulatory citation is not controlling and should be checked to ensure accuracy.

GROUND FISH MANAGEMENT MEASURES

CATEGORY I VIOLATIONS

DESCRIPTION OF VIOLATION		SUMMARY SETTLEMENT AMOUNT
F. Permit Violations		
1	Federal Fisheries Permit	
a.	No Federal fisheries permit onboard vessel	\$500
b.	Failure to update substantive permit information (i.e. vessel name, owner name, addresses, vessel operation category or gear type)	\$500
2	Processor Permit	
a	No Federal processor permit onboard vessel or at shoreside processor or buying station	\$500
b	Failure to update substantive permit information (i.e. Research Plan fisheries, owner names, addresses, vessel information)	\$500
B. Logbook Violations		
1	Daily Cumulative Production Log; Daily Fishing Log	
a	Failure to log required information in a timely manner (1 count is equal to the violations occurring within 1 day)	
I	Less than 12 hours late	\$750 per count up to 6 counts
II	12 or more hours late	\$3,750

b	Clerical error, nonsubstantive omission(s) or failure to log information in a legible manner (1 count is equal to the violations occurring within 1 day) I 1-7 counts II 8-30 counts	Written Warning \$75 per count, including counts 1-7	
c	Failure to provide discard information to a processor (harvesters only) (1 count is equal to the violations occurring within 1 day)	\$750 per count up to 6 counts	
d	Failure to log discard information (processors only) (1 count is equal to the violations occurring within 1 day)	\$750 per count up to 6 counts	
C		Directed Fishing Standard Violations	
	First and second violations in calendar year		Third and subsequent violations in calendar year
1	For wetfish vessels delivering to a shoreside processor, retention of groundfish other than pollock in excess of directed fishing standards by:		
a	Overage of up to 100% of the allowable bycatch limit per species		Payment of value of overage \$1000 plus value of overage
b	Overage of less than 1,000 pounds (landed weight) of allowable bycatch limit for rockfish species (including sablefish) regardless of percentage		Payment of value of overage \$1000 plus value of overage
c	Overage of less than 5,000 pounds (landed weight) of allowable bycatch limit for species other than rockfish and sablefish, regardless of percentage		Payment of value of overage \$1000 plus value of overage

2	For processor vessels, retention of frozen groundfish product in excess of directed fishing standards by overage of less than 5 metric tons of product of the allowable bycatch limit per species	Voluntary abandonment of overage and delivery of product to Dutch Harbor, Kodiak, Sitka or Seattle
3	Other Directed Fishing Overages	
a	Overage of unprocessed groundfish delivered to a shoreside processor where the overage is between 100% and 200% of the allowable bycatch	\$1,000 plus value of overage
b	Overage of unprocessed groundfish delivered to a shoreside processor where the overage is between 200% and 300% of the allowable bycatch	\$5,000 plus value of overage
c	Overage of processed groundfish onboard a processor vessel where the overage is between 10 and 20 metric tons	\$5,000 and delivery of product to Dutch Harbor, Kodiak, Sitka or Seattle, plus abandonment
D	Prohibited Species Violations	
1	Retention of Salmon that is processed, frozen, landed or intentionally segregated from other catch	\$225 per fish up to 35 fish plus forfeiture of prohibited species
2	Retention of halibut that is processed, frozen, landed or intentionally segregated from other catch (300 pounds or less)	\$1,000 plus forfeiture of prohibited species
3	Retention of Pacific cod and rockfish that are processed, frozen, landed or intentionally segregated from other catch	\$1.00 per pound up to 5,000 pounds (round weight) plus forfeiture of prohibited species
4	Retention of prohibited species other than halibut, salmon, Pacific cod or rockfish that are processed, frozen, landed or intentionally segregated from other catch	\$3.75 per pound up to 1,200 pounds (round weight) plus forfeiture of prohibited species

E	Enforcement Violations	
1	Demonstratively unsafe boarding ladder or no boarding ladder	\$1,500
2	Failure to guard Ch. 16 by failing to respond for 15 minutes or longer	\$1,500

GROUND FISH - CATEGORY II VIOLATIONS

VIOLATION		FIRST SUMMARY SETTLEMENT AMOUNT
A	Permit Violations	
1	Federal Fisheries Permit - Fishing without a Federal fisheries permit (includes failure to have a permit that authorizes operations category and intentional alterations to fisheries permit)	\$750
2	License Limitation Permit	
a	Failure to carry permit onboard or failure to present legible permit for inspection	\$3,750
b	Failure to provide written notification of any substantive change to information required to be provided on the permit application	\$1,000
3	Moratorium Permit	

a	Failure to carry permit onboard or failure to present legible permit for inspection	\$750
b	Failure to provide written notification of any substantive change to information required to be provided on the permit application	\$500
4	Scallop Limited Entry Permit	
a	Failure to carry permit onboard or failure to present legible permit for inspection	\$3,750
b	Failure to provide written notification of any substantive change to information required to be provided on the permit application	\$1,000
B	Recordkeeping and Reporting Violations	
1	Logbooks - General	
a	Failure to maintain substantive logbook entries (1 count is equal to the violations occurring within 1 weekly reporting period)	\$1,000 up to 2 counts
b	Failure to submit logbooks on a quarterly basis to Regional Director I More than 2 weeks late II Missing pages	\$3,750 \$500 per page
c	Failure to retain logbooks for required time	\$1,000
d	Entries / Alterations to logbooks such as entries made in other than indelible ink or illegible line outs (1 count is equal to the violations occurring within 1 day)	\$750 per count up to 6 counts

2	Product Transfer Reports (PTRs)	
a	Failure to record required information on PTR within 2 to 24 hours after due date	\$750
b	Late submission of PTR (submission between 24 and 48 hours after due date)	\$750
c	Substantive omission(s) on PTR (1 count is equal to the violations occurring within 1 report)	\$1,500 per count up to 2 counts
3	Check In / Check Out Report	
a	Failure to submit check-in report before commencing any harvest or receipt of groundfish	\$750 per report up to 6 reports
b	Late submission of check-out report (1 - 7 days late)	\$750 per report up to 6 reports
c	Substantive omission(s) on check-in or check-out report	\$750 per omission up to 5 omissions
4	Weekly Production Reports (WPR)	
a	Failure to submit separate WPR's to report production and discard as Catcher/Processor and production or as mothership	\$500
b	Late (more than 24 hours) submission of WPR	\$3,750
5	Daily Production Reports (DPR)	
a	Late (more than 24 hours) submission of DPR	\$3,750
b	Substantive omission(s) on DPR	\$3,750 for each DPR up to 5 DPRs
6	Vessel Activity Reports (VAR)	

a	Failure to submit CAR before crossing the seaward boundary of the EEZ off Alaska or before crossing the U.S./Canada international boundary between Alaska and British Columbia	\$750 per VAR up to 6 VARs
C Fishing Violations		
1	Fishing within 1 hour before the opening or after the closing of a fishery	
a	Vessels up to 35' LOA	\$1,125
b	Vessels between 35' - 60' LOA	\$1,125
c	vessels greater than 60' LOA	\$1,875
2	Fishing within 1 to 6 hours after the closure of a fishery when value of catch is under \$5,000	
a	Vessels up to 35' LOA	\$1,875 plus forfeiture of catch
b	Vessels between 35' - 60' LOA	\$2,625 plus forfeiture of catch
c	Vessels greater than 60' LOA	\$3,750 plus forfeiture of catch
3	Failure to offload all groundfish or groundfish product harvested or processed by a catcher vessel before using the vessel as a tender vessels	\$750
4	Pollock trip limit overage	
a	Less than or equal to 10%	Value of overage
b	Greater than 10% up to 25%	\$2,500 plus value of overage
D Prohibited Species Violations		
1	Failure to carefully release bycatch prohibited species of halibut from hook-and-line gear	\$2,500 per documented day up to 4 days

2	Discard salmon taken incidental to directed fishery for BSAI groundfish by vessels using trawl gear before notified by NMFS observer that collection of data or samples have been completed	\$375 plus \$75 per salmon
E	Observer Violations	
1	Failure to have on board:	
a	Commercial Fishing Vessel Safety Decal	\$500
b	Certificate of Compliance	\$500
c	Certificate of Inspection	\$500
2	Failure of shoreside processing operation to notify observer at least one hour prior to offloading of each CDQ groundfish delivery	\$500
3	Failure to meet required observer coverage, if: S Vessel is subject to 30% coverage requirement; S Vessel met at least 50% of coverage days that quarter; and S Vessel lacks no more than 3 days of coverage	\$1,000 per day (up to 3 days)
4	Presorting or discarding of catch before observer has the opportunity to sample	\$2,500 per violation (up to two violations)
5	Require or pressure an observer to perform duties normally performed by crew members	\$2,500 per violation (up to 2 violations)
6	Failure to provide accommodations equivalent to management level vessel personnel	\$1,500
7	Failure to timely notify observer prior to receipt or transfer of fish	\$2,500 per violation (up to 2 violations)
8	Failure to notify observer, as requested, of planned operations or expected receipt of fish	\$2,500 per violation (up to 2 violations)

9	Failure to allow observer to inspect or copy records required by regulation in a timely manner	\$2,500 per violation (up to 2 violations)
F	Walrus Protection Area Violations	
1	With the exception noted below, enter the area 3 to 12 nautical miles seaward of Round Island and The Twins	\$1,000
	NOTE: Do not use this summary settlement schedule for violations that involve fishing within walrus protection areas. Violations of the walrus protection areas that involve fishing are to be handled under the Penalty Schedule.	
G	Gear Violations	
1	Improper or no buoy markings	\$375 base penalty plus \$75 for each buoy up to maximum of \$1,875
2	Use of groundfish pot gear with tunnel openings that exceed allowable dimensions	\$375 base penalty plus \$75 for each pot (up to 25 pots)
3	Use of groundfish pot gear that has no biodegradable panel	\$375 base penalty plus \$75 for each pot (up to 25 pots)

**INDIVIDUAL FISHERY QUOTA (IFQ) and COMMUNITY DEVELOPMENT QUOTA (CDQ)
MANAGEMENT MEASURES**

CATEGORY I VIOLATIONS

A	IFQ Overages	
1	10.1 - 33% and exceeding 1000 pounds, and for overages 300 - 1000 pounds regardless of percentage	Forfeiture of proceeds or return of proceeds of all IFQ exceeding 100% of IFQ available at the beginning of the trip.
2	33.1 - 66% and exceeding 1000 pounds	Penalty of \$1/pound on entire overage, plus forfeiture of proceeds or return of proceeds of all IFQ exceeding 100% of IFQ available at the beginning of the trip
3	66.1 - 100% and exceeding 1000 pounds	Penalty of \$2/pound on entire overage, plus forfeiture of proceeds or return of proceeds of all IFQ exceeding 100% of IFQ available at the beginning of the trip

CATEGORY II VIOLATIONS

A	Retain IFQ species without a valid IFQ permit or without an IFQ card in the name of the individual onboard	
	1 300 pounds or less of halibut	
	2 100 pounds or less of sablefish	
B	Make an IFQ landing without an IFQ card in the name of the individual making the landing	\$1,000

C	Failure to maintain onboard or present IFQ permit or original IFQ card for inspection	\$1,000
D	Reporting Violations	
1	Make an IFQ landing without prior notice of landing	\$1,500
2	Failure to make an IFQ landing within 6 hours after making a prior notice of landing	\$1,000
3	Failure to submit IFQ landing report in timely manner (less than 12 hours late)	\$2,000
4	Failure to submit accurate information in a prior notice of landing or shipment report	\$3,750
E	Possession or sale of IFQ species by quota share holder with no remaining IFQ or CDQ for vessel or area 1 300 pounds or less of halibut 2 100 pounds or less of sablefish	\$375 plus forfeiture of halibut \$375 plus forfeiture of sablefish
F	Start and IFQ landing between 1800 hours and 0600 hours	\$2,500 plus forfeiture of catch or value thereof
G	Community Development Quota (CDQ) Violations	
1	Bin Certifications	
a	Failure to obtain valid bin certification	\$5,000
b	Failure to submit copy of bin certification to NMFS Observer Program or to make available a copy for the observer	\$2,500

2	Bin Volume	
a	Failure to accurately or permanently mark bins or to provide adequate lighting for the viewing of marks	\$750 per count, up to 6 counts
3	Prior Notification / Separation of Fish	
a	Failure to properly notify observer of fish removals / additions to bin	\$750 per count, up to 6 counts

NORTHERN PACIFIC HALIBUT ACT

CATEGORY I VIOLATIONS

DESCRIPTION OF VIOLATION		SUMMARY SETTLEMENT AMOUNT
COMMERCIAL HALIBUT FISHING VIOLATIONS		
A	Recordkeeping and Reporting	
1	Failure to accurately maintain halibut fishing log in timely manner (current trip only); Failure to maintain separate halibut fishing log; or Failure to retain halibut fishing log for 2-year period: <ul style="list-style-type: none"> • vessels 26' to 35' (loa) • vessels greater than 35' to 60' (loa) • vessels greater than 60' (loa) 	\$375 \$750 \$1,125
2	Failure to keep halibut fishing log onboard vessel for 5 days following offload	\$375
B	Receipt of Halibut Violations	

1	Receive halibut taken during lawful opening from unlicensed vessel	\$750 per vessel
2	Failure to record IPHC license number on fish ticket (licensed vessels only)	\$750 per vessel
3	Failure to remove gills and entrails from halibut prior to offload	\$100 per fish up to 100 fish
4	Failure to retain copies of fish tickets or catch reports for a period of three years from date made <ul style="list-style-type: none"> • vessels 1' to 35' (loa) • vessels greater than 35' to 60' (loa) • vessels greater than 60' (loa) 	\$375 \$750 \$1,125
C	Retention of tagged halibut	
1	Failure to report tagged halibut to IPHC at time of landing	\$1,000

CATEGORY II VIOLATIONS

DESCRIPTION OF VIOLATION		SUMMARY SETTLEMENT AMOUNT
COMMERCIAL HALIBUT FISHING VIOLATIONS		
A. Fishing Seasons (See Note below)		
1	Fishing within one hour before an opening or after a closure with IFQ remaining <ul style="list-style-type: none"> • vessels 1' to 35' (loa) • vessels greater than 35' to 60' (loa) • vessels greater than 60' (loa) 	\$1,125 \$1,500 \$1,875

2	Fishing within one to six hours after a closure with IFQ remaining (value of catch under \$5,000) • vessels 1' to 35' (loa) • vessels greater than 35' to 60' (loa) • vessels greater than 60' (loa)	\$2,500 \$5,000 \$7,500
NOTE: For any violation in excess of these limits (either time or value of the catch), do not use summary settlement.		
C	Gear Violations	
1	Possess halibut taken with gear other than hook-and-line (300 lbs or less)	\$375 plus forfeiture of the halibut
2	Possess halibut taken with hook-and-line gear while carrying onboard any trawl nets or fishing pots capable of catching halibut	\$750
3	Failure to remove all setline gear and either completely offload entire catch of fish or submit to a hold inspection if setline gear was used to fish for any species of fish during the 72-hour period immediately before the opening of the halibut fishing season	\$1,500
4	Lack of or improper buoy markings	\$375 base penalty plus \$75 for each buoy up to maximum of \$1,875
D	Size Limit Violations	
1	Take or possess undersized halibut	\$150 per halibut up to 33 fish plus forfeiture of undersized halibut

2	Indeterminable length (unable to determine number of fish)	\$150 per every 8 lbs up to 264 lbs plus forfeiture of indeterminable halibut
SPORT FISHING		
A	Fishing during closed season	\$150 plus forfeiture of halibut
B	Fishing during closed season (charter boat)	\$225 per passenger up to 22 (cite to operator) plus forfeiture of halibut
C	Use of illegal gear	\$225 plus forfeiture of halibut
D	Over daily bag or possession limit	\$150 per halibut up to 33 halibut plus forfeiture of halibut over limit
E	Mutilation that prevents determination of catch limit	\$150 per every 50 lbs up to 1,650 lbs plus forfeiture of halibut over limit
F	Possession of sport catch on vessel with commercial catch onboard	\$150 per halibut up to 33 halibut plus forfeiture of halibut

ENDANGERED SPECIES ACT

CATEGORY II VIOLATIONS

DESCRIPTION OF VIOLATION	SUMMARY SETTLEMENT AMOUNT
Transit through or anchor within a Steller sea lion buffer zone	\$2,500

MARINE MAMMAL PROTECTION ACT

CATEGORY I VIOLATIONS

A	Failure to display annual decal or sticker (Category I and II fisheries only) - 50 C.F.R. §§ 229.4(f)(1) and 229.10	\$100
B	Failure to carry certificate (or copy) onboard vessel or person (Category I and II fisheries only) - 50 C.F.R. §§ 229.4(f)(2) and 229.10	\$100

CATEGORY II VIOLATIONS

A	Failure to register for annual Authorization Certificate (Category I and II fisheries only) - 50 C.F.R. §229.4(a)	\$750
B	Failure to report incidental mortality or injury to marine mammals in the prescribed manner (applies to Category I, II and III fisheries) - 50 C.F.R. §229.6	\$1,000

FIX-IT NOTICE SCHEDULE

VIOLATION	REMEDY	TIME PERIOD
Authorization For Commercial Fisheries Under The Marine Mammal Protection Act 50 C.F.R. PART 229		
Failure to display annual MMPA decal as required under 50 C.F.R. § 229.4(f)(1) -- 50 C.F.R. § 229.3(f) (general prohibition)	Attach MMPA decal	30 days
Failure to have MMPA incidental take Authorization Certificate (or copy) on board vessel operating in Category I or II fishery as required under 50 C.F.R. § 229.4(f)(2) -- 50 C.F.R. § 229.3(f) (general prohibition)	Carry MMPA Authorization Certificate (or copy) on board	30 days
High Seas Fisheries 50 C.F.R. Part 300, Subpart B		
Failure to apply for a vessel permit as required under the High Seas Fishing Compliance Act of 1995 (16 U.S.C. § 550, et seq.) -- 50 C.F.R. § 300.4(p)	Apply for a vessel permit	30 days
Pacific Halibut Fishery 50 C.F.R. Part 300, Subpart E		
Failure to maintain IPHC logbook(s)	Correct/add accurate entries	30 days

VIOLATION	REMEDY	TIME PERIOD
Gear violations - Failure to comply with gear marking requirements	Mark gear	30 days
U.S. Nationals Fishing in Russian Fisheries 50 C.F.R. Part 300, Subpart J		
U.S. national fishing in Russian Zone without valid permit	Obtain valid permit before fishing again in Russian Zone	90 days
U.S. national failing to carry Russian permit on board or to present for inspection	Carry permit on board	30 days
U.S. national failing to provide copy of permit to NMFS	Provide copy of permit to NMFS	30 days
U.S. national failing to submit complete and timely activity reports	Correct/add/submit the reports	30 days
Lacey Act - Transportation and Labeling of Fish or Wildlife 50 C.F.R. Part 300, Subpart K		
Inadequate or improper markings on containers	Properly mark containers and packages	30 days
Groundfish Fisheries Off the Coast of Alaska		
Failure to carry Federal Fisheries permit on board the vessel or unable to present for inspection	Carry permit onboard or at facility	30 days

VIOLATION	REMEDY	TIME PERIOD
Unable to present Processor's permit for inspection	Carry permit onboard	30 days
Daily Fishing Logbook - Failure to record the size of the crew, daily discarded amounts of groundfish and prohibited species, information about hauls or sets, or entries into logbooks within required time; failure to submit on quarterly basis	Correct/add/submit entries or logbook	30 days
Daily Cumulative Production Logbook - Failure to record the size of the crew and daily discarded amounts of Groundfish and prohibited species; failure to record catch receipt number or Alaska fish ticket number, time of receipt, name of delivering vessel, position of delivering mothership processor, and the estimated catch receipt weight within 8 hours after set, codend or catch is received; failure to record all other processing information by 1800 hours Alaska local time of the day following the day the catch receipt or production occurred	Correct/add/submit entries or logbook	30 days
Product Transfer Logbook - Failure to record product transfer information in the Product Transfer Logbook within 24 hours of the completion of the transfer; failure to submit a copy of the Product Transfer Logbook to the Regional Administrator within two weeks after the week when the transfer occurred.	Correct/add/submit entries or logbook	30 days
Failure to comply with gear restrictions and marking requirements (requirement for degradable panel is NOT included)	Mark buoys or otherwise comply	30 days